

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**JAMON HESTAND,**  
**Plaintiff**

**V.**

**TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE, J. ENGE,  
And B. NEAL**  
**Defendants**

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**Case Number 6:20-cv-00071**

**PLAINTIFF'S SECOND MOTION FOR LEAVE TO RESPONSE  
AND TO AMEND COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, Jamon Hestand and files this second and final motion requesting leave to respond and amend.

1. Plaintiff's counsel has suffered two medical emergencies of her own since her extension to December 18, 2020. Counsel expects to file her amended petition no later than end of the day on December 28, 2020. This Amendment has required Counsel to review several hundred new grievances and correspondences since the newest assaults against Plaintiff.

2. Plaintiff Jamon Hestand is chronically mentally ill; and in incarcerated in the Texas Department of Criminal Justice. On or about February 13, 2020, Plaintiff was subjected to uses of excessive force against him by Defendants Jamadre Enge, Barbara Neal and additional other TDCJ employees who were unnamed at the time of filing of this suit. Defendant TDCJ has filed a Motion to dismiss as to the named Defendants. Plaintiff's Response was due by October 9, 2020.

3. Since the time of filing this suit, Plaintiff was subjected to two additional assaults by TDCJ Officers and ranking staff in retaliation for having filed his suit. The incidents occurred on March 9, 2020 and April 5, 2020.

4. Plaintiff has suffered and continues to suffer continuing and ongoing physical and emotional injuries. Plaintiff has been denied medical care for the injuries sustained from his original use of force. Plaintiff continues to be subjected to cruel and unusual punishment; and continues to be denied requested relief by unit officials through the grievance process.

5. Jamon Hestand has since filed 200 Offender Step 1 and Step 2 Grievances against the named Defendants and other TDCJ employees. These grievances and their contents give rise to additional causes of action for violation of Plaintiff's rights under the ADA; for Due process violations and Excessive Force. Plaintiff's counsel simply has not had enough time to process and read each of the grievances; along with the tens of dozens of Plaintiff's letters which explain his injuries and allegations.

6. For these reasons, Plaintiff requests a brief extension of time to file his Response to Defendant TDCJ's Motion to Dismiss, and to Amend his Complaint.

7. Even were the Court to grant Defendant's motion to dismiss; Plaintiff is still entitled to sue for his newer injuries against the same Defendants as well as others. For the sake of judicial economy; Plaintiff prays that the Court retain the current matter on its docket. To dismiss Plaintiff's Original Complaint will serve irreparable harm upon Plaintiff who suffered extreme and ongoing injuries because of the excessive force used by the previously named individual Defendants along with actions by newly named Defendants; which was substantiated by Defendant TDCJ.

8. This motion is made in good faith and in the interest of justice. Plaintiff prays that it be granted.

Respectfully submitted by:

By: *Danika J. Solomon*

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Certificate of Service

The undersigned counsel hereby certifies that a true and correct copy of the foregoing *Plaintiff's Motion* was served on all counsel of record on December 28, 2020 electronically through the CM/ECF system.



Tanika J. Solomon  
Attorney for Plaintiff, Jamon Hestand